

Court of Appeals, State of Michigan

ORDER

Bryan Ritter v Courtney Wigginton

Docket No. 356539

LC No. 2020-183913-CK

Colleen A. O'Brien
Presiding Judge

Kathleen Jansen

Jonathan Tukel
Judges

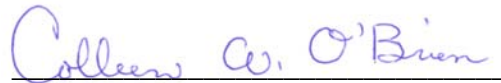
The motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Oakland Circuit Court's February 17, 2021 order is REVERSED IN PART to the extent it denied defendant's motion for summary disposition of plaintiff's claims under the Michigan Construction Lien Act, MCL 570.1101 et seq. "A contractor does not have a right to a construction lien on the interest of an owner ... in a residential structure unless the contractor has provided an improvement to the residential structure *under a written contract*" MCL 570.1144. "[T]he term 'written contract' in MCL 570.1114 must be strictly construed." *Alan Custom Homes Inc v Kroll*, 256 Mich App 505, 514; 667 NW2d 379 (2003). Plaintiff presented nothing indicating that there was a written contract between the parties, so defendant was entitled to summary disposition on that issue under MCR 2.116(C)(10). Plaintiff has no right to a construction lien against defendant's residential property, so his claim under the Construction Lien Act must be dismissed.

In all other respects the application for leave to appeal is DENIED for failure to persuade.

The motion for stay is DENIED.

The Court retains no further jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

April 30, 2021

Date



Chief Clerk